

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRIAN BRANCH, as Guardian Ad Litem for
CYNTHIA N., CHARLES N., and CHRISTINA N.,
minor children, and KEVIN MARTINEZ, as Guardian
Ad Litem for JAMES R., DIANA R., and MICHAEL R.,
minor children,

Plaintiffs,

vs.

Civ. No. 01-922 MV/WWD ACE

FARMERS INSURANCE COMPANY OF ARIZONA,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon a motion for protective order [Docket #45] which seeks, *inter alia*, an order quashing a subpoena served on Daniel J. O'Brien, Esquire. The motion to quash will be denied. I do not find the distinctions sought to be made between Mr. Jaffe and Mr. O'Brien to be persuasive; accordingly I will rule as I did in the Jaffe matter [Docket # 39], and Mr. O'Brien will appear at his deposition and he will be entitled to receive \$150.00 an hour for "time spent in preparation for and participation in the deposition" as was the case with Mr. Jaffe with his deposition.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE